

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In RE:

John P. SOUSA, SR
ARGENTINA R. SOUSA
Debtors.

Case No. 13-13511
Chapter 13

**OBJECTION TO CLAIM # 30-1; WELLS FARGO BANK, NA, APPLICATION FOR
ATTORNEY COMPENSATION AND NOTICE OF OPPORTUNITY OF HEARING**

COMES NOW JOHN P. SOUSA, SR & ARGENTINA R. SOUSA, the above named debtors, by and through their attorney, PHILIP A. HURTT, and files this Objection to Claim # 30-1; WELLS FARGO BANK, NA., filed on December 10, 2013. The debtor has examined the claim of creditor, WELLS FARGO BANK, NA., in the amount of \$121,639.33 and mortgage payment in the amount of \$1,158.32 and the interest rate at 5.750%, plus the arrearage amount of \$6,016.15 and object to the allowance of the claim for the following reason:

1. The Debtors applied and qualified for a loan modification under the Federal Government's Home Affordable Modification Program a/k/a HAMP and with those terms being a monthly payment of \$710.01 starting December 1, 2013 and the interest rate of 2.000% and all of the arrearage would be placed at the end of the mortgage, therefore bringing them current on their mortgage. They were assured that when the Proof of Claim was filed that these terms would be reflected in said Claim.
2. The escrow shortage of \$1,633.80 would be paid out over 60 months at the rate of \$27.23 per month making the mortgage payment \$737.24 for 60 months.
3. That Counsel for the Debtor be awarded \$500.00 for the Objection to the Proof of Claim filed by Wells Fargo Bank, NA.

WHEREFORE, Debtor prays that this Court deny WELLS FARGO BANK, NA.'s arrearage claim of \$6,016.15, reduce the mortgage payment to \$737.24 (including the escrow shortage) and reduce the interest rate to 2.000% as per the Loan Modification terms and that Debtors' Counsel, Philip A. Hurtt be awarded \$500.00 in attorney compensation for the filing of this objection.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of this request for relief. You should also serve a file stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 24 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

Respectfully submitted by:

/s/Philip A. Hurtt
PHILIP A. HURTT, OBA 16244
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Attorney for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2014, a true and correct copy of the Objection to Proof of Claim 17-1; WELLS FARGO BANK, NA. was electronically served using the CM/ECF system, namely:

Robert T. Hauge, John T. Hardeman, Chapter 13 Trustee and the U.S. Trustee.

I further certify that on the 8th day of January, 2014 a true and correct copy of the above and foregoing Objection to Proof of Claim 17-1; WELLS FARGO BANK, NA. was mailed by First class mail, postage prepaid to WELLS FARGO BANK, NA., Attn: Bankruptcy Department, MAC # D3347-014, 3476 Stateview Blvd, Fort Mill, SC 29715

/s/Philip A. Hurtt
Philip A. Hurtt